JONATHAN D STEVENSON. GOLD DUST BOUGHT AND SOLD HERB.

dollars before him. "What's this for?" said Mr. Field.

When you left the ship," was the reply, "You gave me sixty-four New York papers. I yo just sold them for a dollar apiece, and have good to the wind of the ship." When you have you had you have you ha

resolved to organize the town by the election of an alcaide and an ayuntemicnto or council. Stephen made a speech, predicting the prosperity of the new town in glowing colors. He said that it lay in the contre of a fine auriferous region, and commerce would concentrate at the junction of the rivers. It would become the depot for the trade of the northern mines.

On Jan. 18, 1850, stephen J. Field was elected abatic by nine majority. The only objection urged against him was that he was a new comer. He had been three days in the place, and his opponent six. On that evening the miners again assembled, and named the town Marysville, after the only American lady in the place, the wife of M. Cavilland. She was one of the survivors of the Donner party.

1V. Mr. Field was sworn into office as the first Alcalde of Yubaville at Sacramento on the 224 of January, 1850. Under Mexican law an Alcalde had a very limited jurisdiction. After the American occupation, however, he exercised unlimited jurisdiction. Alcalde Field was elected for the preservation of order. Tostrengthen him, Gov. Burnett appointed him Justice of the Peace. His election was thus approved by the the street. Two men came up, one leading a horse. Both claimed the animal. They asked the Alcalde to decide the right of ownership. He administered the outh and thoroughly examined both parties. "It is plain, gentlemen," he said, "that the horse belongs to this man,"

pointing to one of them.
"But," said the man who held the horse, "the bridle belongs to me."
"You are right," the Alcalde replied, and he

rendered judgment.
"What will you take for the horse?" asked the owner of the bridle, turning to the successful party in the suit. Two hundred and fifty dellars."

"Agreed," remarked the owner of the bridle. "And now, Mr. Alcalde, I want you to draw me

Ep a bill of sale that will stick."

It was done. The Alcalde received an ounce of gold for trying the case and an ounce for the

bill of sale, and both men departed satisfied.

Soon afterward Alcalde Field went to San Francisco. While there he bought a frame Francisco. While there he bought a frame house and several zine buildings, and shipped them to Marysville. He opened an office in the frame house, and exercised the functions of maristrate and supervisor of the town. He kept books for the recording of deeds and a rexistry of conveyance. Under his official authority he had the river banks graded, so as to facilitate the landing of vessels. He applicated a marshal, and order and peace was preserved for miles around. Form of process was saided to the exigency of the case. The owner of a river boat complimed that the scenare priying between Marysville and Sarramento had run down his boat, entaiting the loss of a part of his cargo, Alcalds Field instantly dicated a process to his mared instantly defined a process to his mar-al, directing him to seize the steamer and edit until further orders, unless the Captain owner gave security to appear in action and y any ladgment that might be recovered. Subtain appeared, and the case was tried indement rendered within five hours after examission of the injury.

mission of the injury. and in important criminal cases sum-Grand Jury. Attorneys were always ap-I to represent the people and the accused, morning about 5 o'clock a man rattled radie's window. "Aleade's no Alcalde's id." there's been a robbery and you're

the ten

The second Legislature convened under the State Constitution appointed W. R. Turner Judge of the Eighth Judicial District. This district included the thriving city of Marysville. The new Judge appeared in May, 1850, and announced that he would open a district court on the first Monday in June. Ex-Alcalde Field received New York newspapers by every steamer. him various newspapers. The Judge had lived many years in Texas, and had a Texan's hate for Free-soilers, Abolitionism, and similar abominations. Among the newspapers he found a copy of the New York Evening Post. He instantly denounced the ex-Alcalde as an Abolitionist. What was intended as an act of courtesy was the beginning of a long quarrel.

Mr. Field had made arrangements to return to New York. Just before the opening of the that he had been sued by one Cameron, and be-sought him to appear as his counsel. He did so. On a preliminary motion Judge Turner Goodwin remarked that the Practice Act passed at the first session of the California Legislature contained a section bearing on the point at issue, and gave Mr. Field a copy of the act. The seek of the permission to read it, and was turning over the leaves when Judge Turner, said: The Court knows the law. The mind of the Court is made up. Take your seat, sir."

Mr. Field respectfully excepted to the decision, and said that he would appeal.

"Take your seat, sir." retorted the Judge.

"I fine you a food lars."

"Vary well," said the lawyer.

"I fine you \$200, sir." aided the irsts Judge, "and commit you to the custody of the Shoriff for twelve hours."

"Very well," repeated Mr. Field, unabashed.

"Sir." shouled the Judge, surcharged with passion. If fine you \$400 and commit you for twenty-four hours."

"But," said the cool lawyer, "the statute gives me the right to appeal from any order. It is no contempt of court to give notice of an exception or an appeal. I ask my brethren of the bar whether such a notice can be so regarded."

"Sir." servamed the furious Judge, "I fine at the first session of the California Legislature

"Sir," sercamed the furious Judge, "I fine you \$500, and commit you for forty-eight hours. Put him out of court," he added, turning to the Sheriff. "Subpenn a posse. Subpenn are." Mr. Field bit the court room, followed by the attorney in the case and a deputy sheriff. As they were going down the street the attorney in the case and a deputy sheriff. As they were going down the street the attorney in the case and a deputy sheriff. As they were going down the street the attorney in the case and a deputy sheriff. As they were going down the street the attorney in the same old fool," mind what the Judge does I was a same of the court House, opened the door, and shouted: "Judge Teled says you're an old jackass!"

Turner become as the hangher. Meantine the deputy sheriff transferred Mr. Field to the custody of the Coroner. That offleer accompanied him to his offlee, and, after a pleasant little chat, left him to himself. He remained there, receiving visits from friends and indignant strangers. He wrote out a statement of the facts, and had it verified by wilnesses.

Toward ovening the deputy sheriff met Judge Turner, who asked him will have a down the Turner, who asked him will have a down the Turner, who asked him will have a down the Turner, who asked him will have a down the Turner, who asked him to his word with the day of the Turner, who asked him to his word with the facts, and had it verified by wilnesses.

Toward ovening the deputy sheriff met Judge the Evy upon you in your own office. The lawyer indignantly asked for the warrant or commitment. The deputy replied that he had only a verbal order. Mr. Field then ordered the Texan. "If necessary, put him in from the key upon you in your own office." The lawyer indignantly asked for the warrant or commitment. The deputy replied that he had only a verbal order. Mr. Field then ordered him to subject the fact of the court had been ordered. He was taken before Judge Haun. There was a great crowd. The Sheriff could show no order by wear to be a down to the part of the

In a speech to the miners in the town of Nevada, Mr. Field said that the contests of miners respecting claims ought to be tried at home. Local magistrates should have greater jurisdiction. As the law stood, a man's right to a mule could not be determined without going to the county seat, thus subjecting the owner to a cost greater than the value of the animal. He was in favor of legislation that would protect miners, and prevent a forced sale of their utensils. Here a miner charged him with abolition-ism. "It is false," the lawyer replied.

ism. "It is false." the lawyer replied.
"But you have a brother in New York who is
a Freesoiler." the miner shouted.
"So I have." Stephen answered. "and a noble
fellow he is, God bless him! But I have another brother, a slaveholder in Tennessee, and with which I ask, in the name of all that is good. are you going to place me?"

He then spoke in favor of popular sovereignty

ing the judicial powers of every officer from Supreme Judge to Justice of the Peace. It was passed after a full discussion. Most of its provisions are still retained in the code. He also prepared and introduced bills to regulate proccedings in civil and criminal cases. These bills were remodelled from the proposed codes of New York as reported by the Commissioners of New York as reported by the Commissioners of that State. The great labor involved in their preparation may be estimated from the fact that, in order to adapt them to the peculiar condition or the new State and the requirements of its Constitution, as well as to his own views of what would constitute the best practice, he redrafted over three hundred sections, and added over one hundred new ones. Among the new sections were those relating to actions respecting mining claims and the admission in evidence of the customs and regulations of miners, and respecting exemptions from forced sale of personal property. personal property.

The first Legislature had enacted a general system of laws, indispensable to the government of any community. It had done nothing.

THE SUN, SUNDAY, APRIL 25.

The provided of the previous light of decreases, and the previous light of the previous of the pre from his seat; he carestulty watched all measurest and there were sew debates in which he did not participate.

So carnest and attentive was the lawyer to the work of his committee that the Legislature placed implicit confidence in his recommendations. The Criminal Practice set, consisting of over 800 sections, was passed without reading, on the last day of the session, under a suspension of the rules. The Governor said that he could not sign it without reading, and it was too late for that, Mr. Field assured him that his signature was essential to secure the harmonious working of laws already passed. "Do you say that it is all right?" the Governor asked. "It is," was the reply, and the act was signed. Mr. Field drew the charters of the cities of Marysville, Nevada, and Monterey. The principal provisions of those charters have been adopted in subsequent acts creating municipal incorporations. Through his exertions a bill exempting the tools and personal property of miners from seizure and from forced saic was passed. He drafted an act concerning divorces, and gave the most carnest support to the Homestead Exemption bill. Nor did he forget the interests of his immediate constituents. He introduced a bill creating the counties of Nevada and Klamath. This bill split Trinity, Sutter, and Yuba Counties, and created a new judicial district. It sent Judge Turner to the wilderness of Klamath, and gave Yuba, Nevada, and Sutter a new Judge.

Turner never went back to Marysville. Petitions for his impeachment were presented but the Legislature ignored them, being unwilling to spend the time necessary for a trial.

In those days men were walking arsenals. Two-thirds of the members of the Assembly carried either bowie knives or pistols. Some entered the House he unstrapped his rewith as little concern as hanging up a hat, and it excited neither surprise nor comment. There was a hot debate over the proposed impeachment of Judge Turner. At the conclusion

He drew up a bill creating eleven known Mr. Field in palmy days, and judicial districts in the State, and definboard. He sent to the boat for the lawyer's trunk, and paid the carman. On the ensuing day Mr. Field hired a small office at fifty dollars a month. It had a garret, in which he placed a cot. A blanket was his only covering at night, and his value served as a pillow. His washstand was a chair without a back. An old pine table and a cane-bottomed sofa were his furniture. Rigged out with a tin basin, a wooden pail, a towel, a comb, a tooth brush, and a bit of soap, he renewed the strucbrush, and a bit of soap, he renewed the struggle of life. Again he nalled his shingle to the door, and began to practise law.

He was moving along smoothly when his friends began to urre his nomination for the State Senate. With strong backing, he went to work in earnest, and secured a majority of the delegates to the Democratic County Convention. The delegates were to meet at Downey-ville, seventy miles from Marysville. Friends who were unable to attend the Convention asnt Mr. Field their proxies. He gave ten of these proxies to a supposed friend, five to a second,

Gordon N. Mott was appointed Judge in the new judicial district. In the summer of 1851 the Governor issued a proclamation for the fall elections. Many supposed that Judge Mott. under his appointment, would hold over until the fall of 1852. Candidates were nominated. however, in accordance with the Governor's proclamation, and Wm. T. Barbour, a lawyer of Nevada County, was elected. Judge Mott expressed the opinion that there was no vacancy, and declined to surrender the office. This led to a suit. As the question was exclusively one of law, by the consent of both parties a case was made up and presented to the Su-preme Court. That tribunal decided in favor of the elected Judge. Mr. Field argued Judge Mott's cause. This gave offence to Judge Barbour. When his term was about to expire he became a candidate for redlection. Mr. Field advised his friends to vote against him, and

services and all others he is, God bless him! But I have a combet before a place of the protein and advantage of the protein and the little concerns as handing up a half and the protein and

XI. Charles S. Fairfax, Judge Barbour's second. was a lineal descendant of the great Fairfax family, which has figured so conspicuously in the history of England and Virginia. He was its tenth baron in a direct line. He went to Call-fornia in the rush of 1849, and represented Yuba County in the Legislature for several years. He was once Speaker of the Assembly. Afterward he was elected Clerk of the Supreme Court. At the expiration of his term he was appointed Register of the Land Office at Marysville. He died in Baltimore a few years ago.

Fairfax was the soul of honor. While clerk
of the Supreme Court he had a dispute with
Harvey Lee, an official reporter. Lee carried a
sword cane. In a moment of anger he ran the
sword into the body of Fairfax. The weapon
ontered his chest above the heart. Lee made a
second lunge, which was partially avoided by
the Virginian. A flesh wound only was inflicted. Fairfax drew his revolver, and as
Lee was drawing back the sword for a third ville. He died in Baltimore a few years ago.

thrust, he covered him with a dead aim. Lee fell back, crying piteously." Don't shoot, I am unarmed," aithough his sword was dripping with the Virginian's blood.

"Shoot the damned sooundrel," exclaimed a friend, who was presant.

Fairfax did not shoot. Covered with blood, he looked Lee full in the eye and sald: "You assassin, you have murdered me and I have you in my power. Your life is in my hands, but for the sake of your child and your poor sick wife I will spars you!" He uncocked his pistol. handed it to a friend, and fell fainting in the arms of Mr. Samuel B. Smith. He had known the wife of Lee when she was a young gir! In speaking of the affair to a friend in after years, he said: "I thought my wife would be a widow before sundown, and I did not wish to leave the world making another."

All California rang with the story of this act. During this period California was in an inchoate condition of almost hopeless lawlesness. The carrying of deadly unconessled weapons was the universal rule, and such experiences were common to most men of promise and subsequent note.

In 1857 Stephen J. Field was elected Judge of the Supreme Court of California, by 20,000 majority. The term for which he was chosen began in January, 1858. Meantime a vacancy occurred, and he was appointed, by a Governor politically opposed to him, to fill it. He took his seat in October, 1857. On Sept. 13, 1859, David C. Broderick was killed in a duel by David S. Terry, who had resigned the Chief Jus-

ticeship of the Supreme Court before the meet-ing. Mr. Field succeeded him as Chief Justice. When Mr. Field came to the bench the calen-dar was crowded with cases involving immense interests, the most important questions, and various and peculiar litigation. The State was developing her multiform physical resources.

The Judges were as much the pioneers of law
as the people of settlement. Something had
been done, but much had yet to be done, and something had to be undone which had been done in the anomalous period that was passing. There was no general or common source of jurisprudence. Law was to be administered almost without a standard. There was the civil

leges and the like, situated upon the public lands, are matters of daily occurrence, and if the proof of the paramount title of the Government would operate to defeat them, confusion and ruin would be the result. In determining controversies between parties thus situated this Court proceeds upon presumption of a grant from the Government to the first appropriator of mines, water privileges, and the like. This presumption, which would have no place for consideration as against the assertion of the rights of the superior proprietor, is held absolute in all these controversies; and with the public lands which are not mineral lands the title, as between citizens of the State where neither connects himself with the Government, is vested in the first possessor, and to proceed from him."

These decisions settled all disputes over mining chaims and water privileges. The Judge's career in California had marked him as a man of physical courage. These decisions stamped him with moral courage. He followed his convictions even where they ran counter to precedent. He showed his superiority to any restraints which are not in accordance with common justice and common sonse. Their soundness has been vindicated by time and the acquiescence of bench and oar.

Chief-Justice Field contributed greatly to the settlement of the law of mortgages. His decisions have made that the rule of law which was before the rule of equity. Herman, the author of a recent and learned work on mortgages, says:

No one man in this country has done as much in developing sound principles in recard to mortgages—that

was before the rule of equity. Herman, the author of a recent and learned work on mortgages, says:

No one man in this country has done as much in developing sound principles in regard to mortgages—that they are mere hypothecations—as Judge Field. The courts of every State where the doctrine is maintained have been indebted to him, and his California epinions are cited as leading and declave of the true principles.

The obligations of municipal corporations, and the rules of law by which they are bound, were also defined and established by Chief Justice Field in numerous cases. Judge Dillon, in his work on municipal corporations, frequently refers to his decisions on these subjects in terms of the highest praise, and recognizes the fact that the views contained in them have been concurred in very generally by the courts of other States. One case is especially interesting. Under the law municipal corporations were forbidden to dispose of city property except by a majority vote of the Common Council. The Board in San Francisco passed a resolution selling valuable property by a vote of four to three. Eight members composed a full Board. The purchase money, and then a dispute arosens to the legality of the transaction. The courts decided that it required a majority vote of the full Board to mass the title. The parties then demanded the return of their money. The authorities refused to return it basing their refusal on a clause in their charter forbidding the city to run in debt more than \$50,000. The interested party brought a suit, which reached the Supreme Court. Chief Justice Field decided that the money must be returned. He held that no law could sanction so transparent an injustice.

XIII.

It was the year of the Great Rebellion. Paries were evenly divided in California, but the Secessionists were aggressive and meant mis-chief. Chief Justice Field ardently espoused the Union cause. Although a strict advecate of State rights, he held that the General Government possessed the power to enforce the law. The Secessionists made no secret of their intentions to carry the State out of the Union. Gen, Albert Sidney Johnston was in command of the United States forces, and this gave them great encouragement. The General's loyalty was at least questionable. The Unionists feared that he was in collusion with the Secessionists. who threatened to seize Alcatraz. Its possession would place San Francisco at their mercy. Seventy-five thousand muskets were stored at Benicia, and if these fell into the hands of the

might precipitate the conflict that they were trying to avoid. Gen. E. V. Summer salled from New Tork under an assumed name, with special orders from the President to seeme command. Gen. Johnston readily recognized them, the arms were removed from the arsenal, and the State was safely moored to the Union.

Judge Field was a true War Democrat. He was for war as long as war lasted, and was for peace as soon as the war was over. He preserved his fealty to the Democratic party. And nover voted a Republican ticket in his life, Judge McAllister, the special United States Justice assigned to the Pacific coast, resigned in the spring of 1863. Senators McDougall, Latham, Nesmith, Harding, and others urged President Lincoln to a substantial recognition of the services of the War Democrats on the Pacific slope by the appointment of Judge Field to the vacancy. Getting, an inking of what was going on, Judge Field said that he would not accept the appointment, as he would rather be Chief Justice of California than a subordinate Judge in a United States Court. When President Lincoln heard this, he said: "Then we must make a real Judge of the Supreme Court out of Stephen." Menatime his name was sont to the Senate, who unanimously confirmed the appointment. A bill was drawn up and passed by both Houses, elevating the Judge to the bench of the Supreme Court of the United States. The Pacific coast was made the Tenth Circuit, and Judge Field was assigned to it. He know nothing of this movement until he received notice of his confirmation. He resigned the Chief Justiceship of California, and went to Washington.

"This State has been deprived of the ablest in fist who ever presided over her courts," said Judge Joseph G. Baldwan, on Mr. Field's departure. "He began his career without the actitions aids of family influence or patronage. He had the advantage, however, of an accomplished education, and careful study and mental discipline. He brought to the practice of his clients, for he trusted upon sure foundations, to which he clung

come in the anomalous period that was passing to the in the anomalous period that was passing to the in the anomalous period that was passing to the company of the west of the waster and the anomalous without a standard. There was the ceit like waster that the standard that a standard there are no flicting decisions in America and Engrandian and usages. The common law was to be decided from conflicting decisions in America and Engrandian and the conflicting decisions in America and Engrandian or arising from local and other facts. Contracting and the conflicting decisions in America and Engrandian or an interest that the confliction of the decisions in a standard that the confliction of the decisions and the confliction of the decisions and the confliction of the decisions and access in the state without going over land that has caused litigat without going over land that has caused litigated the confliction of the decisions of the court held that the great and the court held that the court has a standard the court held that the court has a standard that the court has a standard that the court of the court has a standard that the court of the court of

of parties charged with treason could not be confiscated on the assumption of the guilt of the party. He must first be convicted of the crime. He adds:

There is no difference in the relation between the owner is suilty of treason and when he is guilty of any other public offence. The same reason which would sustain the authority or the Government to confiscate the property of a traitor would justify the confiscate the property of the fully of any other public offence. The same reason which would sustain the authority of the downer is guilty of any other offence. And it would assume that the property of the longest of of longest o

XV.

The war was fought and won while the Republican party was in power. Anxious to retain their grip on purse and power, the right of suffrage was given to the enfranchised slaves, and at first withheld from those who had taken an active part in the rebellion. In reconstructing the Union the line of State rights was wiped out, and party action was bent toward the contralization of power in the hands of the Benicia, and if these fell into the hands of the Secassionists California would be lost.

The Unionists lost not a moment. A secret Union League was formed. Chief Justice Field was its fifth member. Weapons were bought and an armed force was created, ready for any emergency. Immense Union meetings were held and addressed by Starr King, Gen. Conness, and others. Mr. Field and the League kept themselves in constant communication with President Lincoln, by post riders on the plains. They asked that an officer of unquestioned lovally should be placed in command on the Preific const. It was thought best to secretly superseds Gen. Johnston, as an open order. Federal Government, The Republicans held